

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LELBERT L. WILLIAMS,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

NO: 2:15-cv-00279-RMP

ORDER DISMISSING PETITION

By Order filed November 30, 2015, ECF No. 4, the Court instructed Petitioner to show cause why his Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254 should not be dismissed for failure to exhaust state court remedies. *See O’Sullivan v. Boerkel*, 526 U.S. 838, 842–43 (1999); 28 U.S.C. § 2254(c). Petitioner had indicated in his petition that his direct appeal was still pending.

Petitioner, a prisoner at the Cedar Creek Corrections Center in Little Rock, Washington, is proceeding *pro se* and *in forma pauperis*; Respondent has not been

1 served. Petitioner did not respond to the Court's directive and has filed nothing
2 further in this action.

3 Therefore, **IT IS ORDERED** the Petition is **DISMISSED without prejudice**
4 for failure to exhaust state court remedies.

5 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
6 enter judgment, forward a copy to Petitioner and close the file. The Court further
7 certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could
8 not be taken in good faith, and there is no basis upon which to issue a certificate of
9 appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

10 **DATED** this 22nd day of January 2016.

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12 *s/ Rosanna Malouf Peterson*
13 ROSANNA MALOUF PETERSON
14 Chief United States District Court Judge
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